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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,970	04/24/2001	Saul Kato	IBOB-001/01US	6200

7590 02/02/2004
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Two Palo Alto Square
Palo Alto, CA 94306

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,970

Applicant(s)

KATO, SAUL

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 9. 6) ☐ Other: _____

DETAILED ACTION

1. 1-13 are pending in this application.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/27/01 and 11/25/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. (US. Patent No. 6,438,575).

Regarding on claims 1 and 9, Khan teaches a computer-readable medium to direct a portable computing device to function in a specified manner, the computer-readable medium comprising:

A first set of instructions to receive broadcast information including a data repository and formatting information (col. 10, lines 51-67);

A second set of instruction to facilitate creation of a search query (the user is allowed to submit the user-defined information from at least one of the wireless device) (col. 10, lines 35-37);

A third set of instructions to retrieve a search result from said data repository based upon said search query (the user is allow the to be retrieved for online or offline viewing) (col. 10, lines 30-32); and

A fourth set of instructions to transform said search result in accordance with said formatting information to produce formatted content (an interface of the above mentioned web-based habitat to a wireless enabling engine that takes the content of the habitat and renders them on all devices, especially wireless devices) (col. 10, lines 13-17).

Regarding on claims 2 and 10, Khan teaches a fifth set of instruction to download said broadcast information to said portable computing device from a wireless source (col. 10, lines 27-30 and col. 11, lines 51-67).

Regarding on claims 3 and 11, Khan teaches second set of instructions includes: a sixth set of instruction to generate said search query based upon a user input (col. 10, lines 27-43).

Regarding on claims 4 and 12, Khan teaches the broadcast information further includes a plurality of search queries (col. 11, lines 45-65), and wherein said second set of instructions includes:

A seventh set of instructions to select said search query from said plurality of search queries based upon a user input (col. 11, lines 45-65).

Regarding on claims 5 and 13, Khan teaches an eight set of instructions to display said formatted content (display) (col. 10, lines 55-60).

Regarding on claim 6, Khan teaches a computer-readable medium to direct portable device to function in a specific manner, the computer-readable medium comprising:

A remote applicant server (host computer system 304) (col. 11, lines 38-39) configured to process information received from a wireless source (one or more wireless devices) (col. 11, lines 42-46), wherein information includes a logic portion (store portion at least a portion of the control program) (col. 13, lines 40-42), a data repository (a server) (col. 36-41), and formatting information (habitat) (col. 11, lines 37-41), and wherein said remote application server includes:

A query generator module (user-defined information is received in operation 202) configured to produce a search query in accordance with a user input and in accordance with said logic portion (col. 10, line 40);

A data repository manager module configured to search said data repository in accordance with said search query to retrieve a search result (operation 204 is used to retrieve content from one or more web sites) (col. 10, lines 45-46); and

A content generator module configured to generate content in accordance with said search result in accordance with said formatting information (the network server acts as a gateway through which any content from the word wide web is collected and converted into a format amendable to the wireless device) (col. 10, lines 52-55).

Regarding on claim 7, Khan teaches remote applicant server further includes: a display module configured to display said content (col. 10, lines 55-60).

Regarding on claim 8, Khan teaches a decoder configured to download said information from said wireless source (decode) (col. 15, lines 46-50 and col. 15, lines 65-67 to col. 16, lines 1-5).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:


Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

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Art Unit: 2172

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Baoquoc N. To

Jan 14, 2004



JEAN M. CORRIELUS
PRIMARY EXAMINER